

City of Fall River, Massachusetts



ELAINE RUTKOWSKI
LEGAL ASSISTANT

NANCY PAVAO
WORKERS' COMPENSATION/
CLAIMS CLERK

LAW DEPARTMENT
ONE GOVERNMENT CENTER
FALL RIVER, MA 02722

508-324-2650 (Law Department)
508-324-2540 (Workers' Compensation)
508-324-2655 (Fax)
508-324-2000 (Voice/TDD)

THOMAS F. McGUIRE, JR.
CORPORATION COUNSEL

DANIEL S. HENDRIE
ASST. CORPORATION COUNSEL

JOHN J. COUGHLIN
ASST. CORPORATION COUNSEL

GARY P. HOWAYECK
SPECIAL ASST. CORPORATION COUNSEL

April 11, 2002

Clerk for Civil Business
United States District Court
District of Massachusetts
1 Courthouse Way
Boston, MA 02108

DOCKETED

Re: Conservation Law Foundation vs. City of Fall River, et al
U.S. District Ct. 87-3067-Z

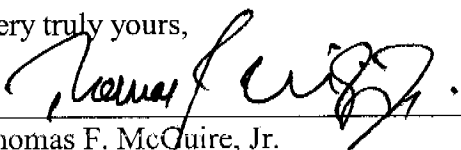
Dear Sir/Madam:

On behalf of the Defendant, City of Fall River, enclosed please find Quarterly Progress Report (Progress Report #40), a copy of which has been provided to the Plaintiff.

Be advised that under the Order issued by Judge Zobel with regard to this matter, said Quarterly Progress Report is required to be filed with the Court. Would you therefore, kindly file same.

If there are any questions or comments, do not hesitate to contact me.

Very truly yours,


Thomas F. McGuire, Jr.
Corporation Counsel

TFM/e

Enclosure

cc: Ronald A. Laro
Steven H. Burrington, Esq.
Terrance J. Sullivan

177

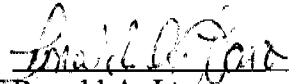
PROGRESS REPORT #40

April 1, 2002

1. CSO Construction Contract 2A-2.1, Plant Conduit and Site Preparation IFB#02-11, received Authorization to Award by the Department of Environmental Protection. As such, a fully executed Contract Agreement with P.Gioioso and Sons Inc. was completed on February 15, 2002 for a construction cost of \$829,500. Contract 2A-2.1 construction activities have commenced and should be completed by the Contract end date of September 12, 2002. This CSO Construction Contract is compliant with the required Court Ordered Schedule.
2. CSO Construction Contract 2A-2.2, South and Central Tunnel; four (4) connecting tunnels; Extreme Event Overflow (EEO) Chamber; and transportation/disposal of tunnel muck, was advertised for bids on November 15, 2001. A pre-bid meeting was conducted on December 6, 2001. Sealed bids for Contract 2A-2.2, were received by the City's Purchasing Agent on Wednesday, February 20, 2002. On March 7, 2002, the Letter of Intent to Award was issued to J.F. Shea Company, Inc. of Walnut, California for a construction cost of \$55,990,000. Upon same date, the written request for Authorization to Award was delivered to the Department of Environmental Protection. It is anticipated that a fully executed Contract Agreement for 2A-2.2 shall be completed within thirty (30) working days, immediately followed by construction commencement. This Contract is compliant with the required Court Ordered Schedule.
3. CSO Abatement Program, Massachusetts Electric Company Construction Contract Agreement, for provision of electrical service to the mobilization site for the CSO Tunnel has been finalized for a cost of \$474,000. The written request for Authorization to Award is currently before the Department of Environmental Protection. The Agreement provides that the construction of the electrical service shall be completed by September 15, 2002, and is in compliance with the schedule requirements contained within the Federal Court Order.
4. The City, with its Engineer, conducted a CSO Program Evaluation and developed modified measures which would continue to insure water quality standards and compliance with CSO Program objectives. As a result, an October 29th Meeting was conducted with CLF, EPA, and DEP respectively. As an outcome of the aforementioned meetings, it was agreed that after the City executes an Agreement for CSO Construction Contract 2A-2.2, that all parties would reconvene for additional discussion of the Modified Tunnel Plan. As contained within Item 2 of this document, the City shall, within the next thirty (30) days, enter into Agreement for Contract 2A-2.2 for \$55,990,000. As such, the City shall contact all parties to schedule a date for additional discussion of the Modified Tunnel Plan.

If further information is required, please call me at 508/324-2321.

Signed under the pains and penalties of perjury this 1st day of April 2002.

A handwritten signature in dark ink, appearing to read "Ronald A. Laro", is written over a horizontal line.

Ronald A. Laro
Director/Water Pollution Control

FALL RIVER SEWER COMMISSION

CSO WEEKLY PHYSICL INSPECTIONS

AND

RAINFALL DATA

January – March 2002

Monthly Operation & Maintenance Report			
Fall River Wastewater Treatment Facility			
PSG/US Filter, Inc.			
1/1/02 to 3/31/02			
Rainfall Data – Inches			
Day	January	February	March
		0.08	
1.			
2.			0.01
3.			1.04
4.			
5.			
6.	0.48		
7.	0.11	0.03	
8.	0.02		0.01
9.			0.02
10.		0.14	0.32
11.	0.36	0.40	
12.			
13.	0.75		0.24
14.			
15.	0.22		
16.			0.10
17.	0.03	0.08	
18.		0.01	0.42
19.	0.23		
20.	0.10		1.00
21.	0.37	0.34	
22.			
23.			
24.	0.10		
25.			
26.			0.97
27.		0.53	0.88
28.			
29.			
30.	0.07		0.10
31.	0.08		0.22